

3 1735 060 727 868



F153

1048190

DARL

p4

1818



REPORT

OF THE COMMITTEE

OF THE

House of Representatives,

*To whom was referred the memorial of JOHN WILSON, complaining
of the official misconduct of the JUDGES of Lancaster county, &c. &c.*

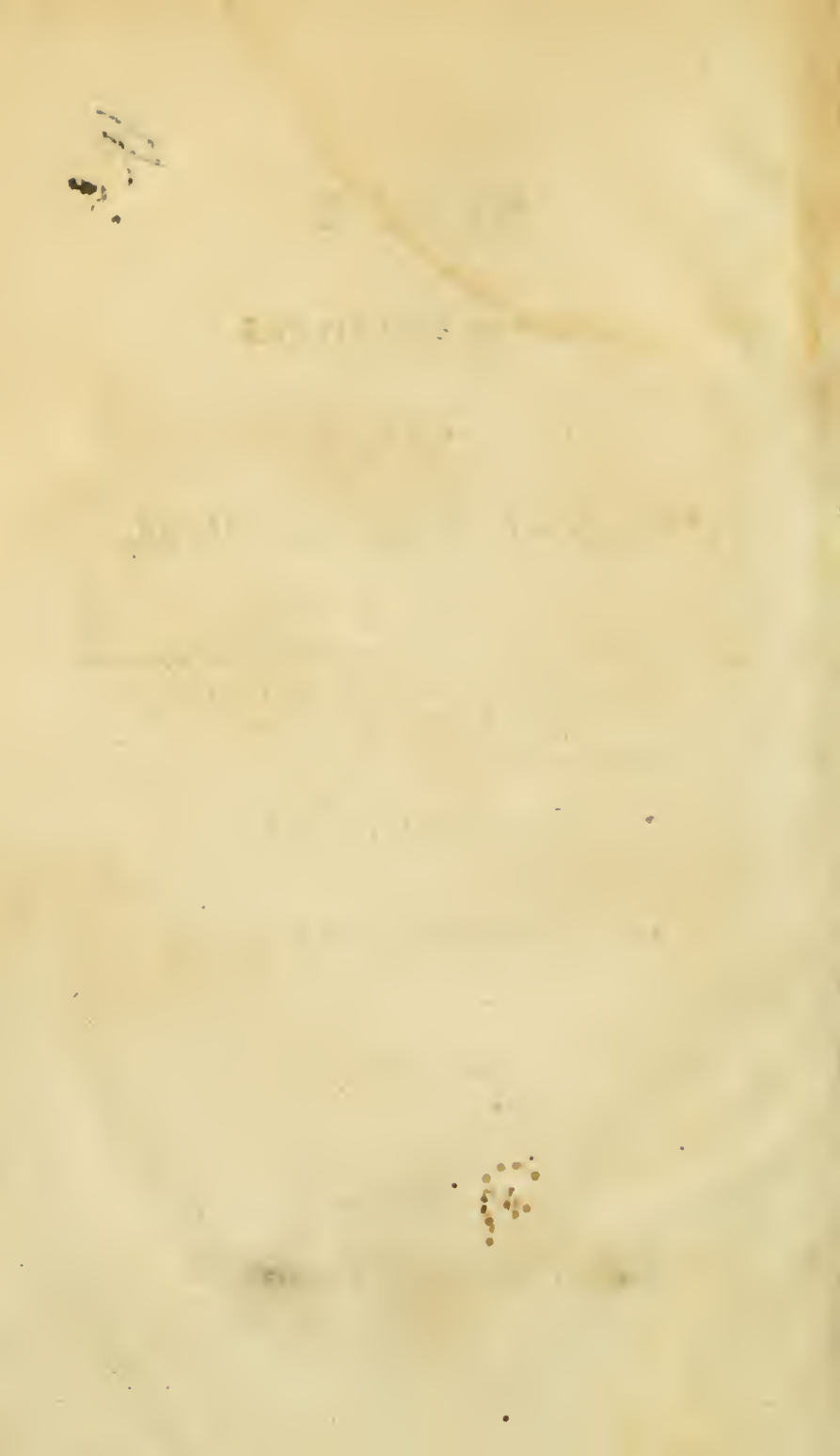
READ FEBRUARY 19, 1818.

And ordered to be printed for the use of the Members.



HARRISBURG:

PRINTED BY JAMES PEACOCK, MARKET-STREET.



REPORT, &c.



The committee to whom were referred on the 29th ultimo, the memorial of John Wilson, complaining of the official misconduct of the Judges of the Court of Common Pleas of Lancaster county, and an item of unfinished business, relative to a decision of the said Court in the case of Robert W. Houston (a delinquent militia man) against Gen. John Dicks and others,

REPORT:

That they have considered the subject referred to them, and have found that on the 10th day of June, 1816, a judgment was obtained before the said court by Wilson and Ramsey against a certain Daniel Wolf, for the sum of \$ 837 92; of which sum Patton Ross, Esq. is alleged to have received, as the attorney of Wilson and Ramsey, from the Sheriff of Lancaster county, by virtue of an execution, on the 25th day of September, 1816, \$ 768 60, and did in virtue of a letter of attorney from Ramsay to John Martin, dated 28th October, 1815, pay over to the said Martin on the 16th day of October, 1816, the sum of \$ 208 06, and afterwards paid to John Wilson the further sum of \$ 210, retaining in his hands the balance, amounting to \$ 350 54. That on the 28th day of April last, the said Martin and Wilson presented their petition to the Judges of the Court of Common Pleas of Lancaster county, stating that the said Ross unjustly detained the said balance, and praying the Court to take the case into consideration and cause justice to be done, by directing the money to be paid without further delay; and that the said Judges refused to interfere, and said they had already decided on that case. It also appears that by virtue of a letter of attorney from Martin to Wilson, dated the 2d day of June, 1817, the said Wilson presented a petition dated the same day, on the 19th of the same month, addressed to said Court, stating that the said Ross did unjustly detain the aforesaid balance, and praying the Court to investigate the case, to take the conduct of the said Ross into consideration, and cause justice to be done without delay.

It appears to the committee, that the Court ordered the 20th June, 1817, for hearing the petitioner; but the Court, instead of hearing the grievance stated in the petition, ordered an issue to be joined and a suit to be instituted, in which they made the said John Wilson plaintiff, and Patton Ross, Esq. defendant; contrary to the will and against the remonstrance of the said Wilson, who declared in the presence of the Court, that he never would prosecute the suit.

The committee are therefore of opinion that the Court in not hearing the merits of the petition, in refusing to investigate the conduct of the said Patton Ross, contrary to the provisions of the 9th section of the act entitled "An act to regulate arbitrations and proceedings in courts of justice," passed the 21st March, 1806, which declares, that in all civil suits or proceedings in any Court within this Commonwealth, every suitor and party concerned shall have a right to be heard by himself or counsel, or either of them; and when it shall be made appear to the satisfaction of the Court, that any attorney of such Court has retained money belonging to his client, after demand by the client for the payment thereof, it shall be the duty of the Court to prevent such attorney from prosecuting longer in said Court, and to have his name stricken off the record of attorneys: Also the third section of an act entitled "A further supplement to the act entitled An act to regulate arbitrations and proceedings in courts of justice," passed 28th March, 1808, which declares, that the several Courts of this Commonwealth shall have power to enforce, by attachment, the payment of any money had and received by any sheriff, coroner or attorney, in his official capacity, and the delivery of all papers belonging to their clients:—and in instituting a suit and directing an issue, contrary to the will and against the remonstrance of the said John Wilson, acted corruptly, oppressively and unjustly.

With respect to the item of unfinished business referred to your committee; it appears that a Court Martial was held in the county of Lancaster, agreeably to the provisions of the several acts of Congress and the 21st section of the act of Assembly, passed the 28th day of March, 1814. for the trial of such of the enrolled militia as refused to perform a tour of duty under the requisitions of the President of the United States; that a certain delinquent militia man by the name of Robert W. Houston, who was fined by the said Court Martial, brought a suit against the officers and members of the said Court Martial, as well as the Deputy Marshal of the United States, who levied and collected the fine; that the said Judges of the Court of Lancaster county, regardless of the provisions of the act of Assembly, took cognizance of the case and proceeded to decide the same against the officers of the Court Martial, who had acted not only in obedience to the law of the land, but in compliance with the orders issued by the commander in chief of this Commonwealth, requiring them to hold the said Courts Martial for the trial of delinquents as aforesaid; a decision not only productive of the most alarming consequences by rendering the courts of justice virtually the commanders in chief of the militia, which our Constitution itself has wisely placed in other hands; and thus confounding all distinctions between the civil and military departments, and subverting at once every thing like authority among the officers or subordination among the men—but your committee also consider the decision to be a direct, palpable and wilful violation of the express and clear provisions of the 25th section of the act of the 28th of March, 1814, which declares, that if any justice of the peace, alderman or judge of any of the courts of this Commonwealth, shall issue or cause to be

issued *any writ or process* with a view to re-hear, examine or obstruct, directly or indirectly, the decision of any Court of Appeal or Court Martial, or shall *under any pretence whatsoever*, invalidate or defeat or shall assist to defeat any sentence of a Court of Appeal or Court Martial, any and every such Justice, Alderman or *Judge* so having offended, shall be deemed and held to be guilty of a misdemeanor in office.

And it further appears from the records of the Court itself, that George B. Porter, Esq. deputy attorney of the United States, gave notice to the Prothonotary of Lancaster county, when the plaintiff applied for his writ, that "the object of the suit was to interfere with the decision of a Court Martial held under the authority of the state, and agreeably to the act of Assembly thereof, and that he had no authority to issue writs for such purpose, and if he did issue the said writs he did it at his peril." Which notice the said Prothonotary submitted to the Court. Nevertheless the said Court, disregarding the law and in direct and open contempt and violation thereof, ordered the said writs to issue, "with a view to re-hear and examine" the decision of the Court Martial aforesaid, which *by law* is expressly declared to be a misdemeanor in office. Therefore,

Resolved, That a committee be appointed to draft articles of impeachment against Walter Franklin, Esq. President, Jacob Hibshman and Thomas Clarke, Associate Judges, of the Court of Common Pleas of Lancaster county, or either of them, for misdemeanors in office, agreeably to the foregoing report.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY.

Copy of a Statement and Precipe, filed Aug. 2d, 1814.

Charlestown, July 26, 1814.

Mr. Daniel Wolf, Dr.

To Messrs. Wilson and Ramsey.

To making two bulk windows.

To a frontice piece at front door.

Putting up a counter and shelving a store.

Pannel work hanging doors.

Porch framing, flooring and rooseing an ceiling.

Taylors tables, sundrys other work at the house.

Making a nessaserry.

Work at a stable.

Several days work at drying boards, removing of work, &c.

Seven hundred & forty eight dollars & ninety six cents, \$ 748 96

All expenses of measurement to be paid by the parties,

viz. The one half part to be paid by Mr. Wolf, and

and the remaining half part by

Messrs. WILSON & RAMSEY.

ALEXANDER MILLER,

JOHN CHRIST.

Wilson & Ramsey,	}	Issue capias in debt in assumpsit not exceeding \$ 748 96.
vs.		Retble to August term, 1814.
Daniel Wolf.		No bail required. The above is the plaintiff's statement.

P. ROSS, Att'y p. Que.
August 2nd, 1814.

John Passmore, Esq. *Prot'y.*

COPY OF THE CAPIAS.

Lancaster County, ss.

~~~~~  
 { L. s. } The Commowwealth of Pennsylvania to the Sheriff of  
 { } Lancaster county. Greeting; you are hereby commanded  
 { } that you take body of Daniel Wolf, so that you have him  
 ~~~~~ before our Judges of the Court of Common Pleas, to be  
 holden for the said county of Lancaster, on the third Monday in
 August next, there to answer Wilson and Ramsey of a plea of debt
 on assumpsit not exceeding seven hundred and forty eight dollars
 and ninety six cents. Hereof fail not. Witness the honorable
 Walter Franklin, Esquire, President of our said Court, the fifth day
 of July, in the year of our Lord one thousand eight hundred and
 fourteen.

JOHN PASSMORE, *Prot.*
 (10 miles, C. C. so answers Henry Reigart, *Shff.*)

COPY OF THE ENTERING DOCKET.

August Term, 1814.

| | | |
|----------------------|---|---------------------------------------|
| Wilson and Ramsey, | } | Caps. debt on assumpsit not exceeding |
| 240 vs. | | \$ 748 96. no bail required. |
| Daniel Wolf. | | Isd ut supra (Augt. 2d, 1814). |
| wt due. stat. filed. | | P. ROSS. |

COPY OF THE APPEARANCE DOCKET.

August Term, 1814.

| | | | | |
|---------------|---|----------------------|---|-----------------------------------|
| P. Ross, | } | Wilson and Ramsey, | } | Caps. debt on assumpsit not ex- |
| Frazer. | | 240 vs. | | ceeding \$ 748 96, no bail requi- |
| G. B. Porter. | | Daniel Wolf. | | red. C. C. 10 miles. |
| 27 Nov. 1815 | | wt. due. stat. filed | | |

Jacob Smith sub. in the room of 27 Nov. 1815. Non assumpsit
 Geo. Zeigler. and payment with leave to add,
 Taxing ptffs bill 25 cts. due alter and amend. Repln that he
 Pltffs bill \$ 3 69 paid did assume and non solvit. Issue
 Jno. M'Calister 1 00 pd J. M' and rule for trial.

| | |
|-------------|--------------|
| Wm. Lewis | 1 00 |
| Jacob Smith | 1 00 |
| Prot & Wt. | 7 88 |
| Atty | 4 00 pd P.R. |
| Shff | 2 10 |

§ 20 67 pd to J

P. Prot. by appellant.

Recd § 3 69, the pl'tfs bill.

John Wilson.

Test for pl'tfs.

Alexander Miller, swn.

John Christ, swn.

Test for defd't.

Christian Baughman swn.

Pl'tfs bill & witness

ses § 17 12½

Jury fund 4 00

Prot. addl 5 00

§ 26 12½ due.

August 27th, 1814. Plaintiff filed an application to have arbitrs chosen on Monday the 12th of Sept. next. Sept. 12th, 1814, the pl'tfs appearing and defendant nor any person for him appearing, pl'tfs and prothonotary chose Jno. M'Callister, George Zeigler, and William Lewis, arbitrs. to meet at the house of Jacob Smith, in Manor township, on Monday the 3d day of October next. October 7th, 1814. report of arbitrators filed, finding for plaintiffs seven hundred and four dollars and thirty-six cents. Oct. 21st, 1814, defd't. appeals, affirmed, and tent with Michael Olstatt, his surety, each in § 1,400. Oct. 31st. 1815, rule on the defd't. to plead in two weeks from Monday next, the 6th of Novemr. or judgment.

Continued from term to term until June, 1816. And now June 10th, 1816. a Jury being called, came, to wit Jacob Etter, John Kauffman (Isaac's son) George Bard, Henry Huber, George King, John Mehaffy, Jacob Beam, Jacob Graybill, Jacob Kintsh, John Getz, junior, Leonard Eicholtz, junior. and John F. Voight, twelve good and lawful men of the county of Lancaster, who being duly impanelled, returned, elected by ballot, chosen, sworn or affirmed, upon their oaths and affirmations respectively do say, that they find for the plaintiffs § 837 92, debt, with six cents damages, and six cents costs. Judgment.

June 12th, 1816, Mr. Slaymaker moves for a new trial and in arrest of judgment. Exceptions filed. Argued September 18th, 1816. Motion overruled and judgment on the verdict.

By virtue of a Power of Attorney, I hereby acknowledge to have received of Patton Ross, Esq. § 208 06, on account of Ramsey one of the plaintiffs, on this judgment; therefore release the same for that amount. Witness my hand and seal, the 16th day of October, 1816.

JOHN MARTIN, (L. S.)

Test.—JOHN HALL.

I John Wilson, one of the plaintiffs, hereby acknowledge to have received of P. Ross, Esq. § 210, debt, interest and costs, on account of this judgment—therefore release the same for that amount. Witness my hand and seal, this 24th day of October, 1816.

JOHN WILSON, (L. S.)

Test.—JOHN HALL.

COPY OF THE APPLICATION TO REFER.

In the Court of Common Pleas of Lancaster County.

Wilson and Ramsey, } Of the term of August, 1814.
 vs. No. 240.
 Daniel Wolf. } Action of debt.

I desire you to enter a rule of reference in this action, as it is my determination to have arbitrators chosen, on Monday the 12th day of September next, between the hours of 11 and 12 o'clock in the forenoon, for the trial of all matters in variance, in this suit between the parties.

Witness my hand this 27th day of August, 1814.

P. ROSS, Att'y. p. Quer.

To the Prothonotary of
 Lancaster county.

INDORSEMENT ON THE FOREGOING APPLICATION.

240). *August Term, 1814.*

Wilson and Ramsey, } applica-
 vs. tion to
 Daniel Wolf. } refer.
 Monday, Sept. 12th, 1814,
 11 & 12 o'clock.

Sept. 12th, 1814, plffs. appearing, but defdt. nor any person for him appearing to choose arbrs. plffs and prothy agree that the number of men be three.

Plffs names John M'Callister agreed
 Prothy do. George Zeigler agreed
 Plffs do. Joseph Wallace objected
 Prothy do. Christian Correll objected
 Plffs do. William Lewis agreed

Arbtrs
 to meet at the house of Jacob Smith in
 Manor township, on Monday the 3d day
 of October next, at 2 o'clock in the after-
 noon.

John Wilson, one of the plaintiffs, being sworn, says, that he served the rule issued in this case on Daniel Wolf, the defdt. on the 27th of August last, by giving the same to Christian Bachman, the young man in deflts. store, and leaving the same with him; said rule stating that arbrs. were to be chosen this day in the Prothy's. office at Lancaster, between the hours of 11 & 12 o'clock in the forenoon for the trial of all matters in variance in this suit, between the parties,
 Sworn and subscribed,
 Sept. 12, 1814, before me,
 GEO. MATTER.

JOHN WILSON.

COPY OF THE RULE OF REFERENCE AND REPORT.

In the Court of Common Pleas of Lancaster County.

| | | | |
|-----------------|---|---|---|
| {
L. S.
} | Wilson and Ramsey,
vs.
Daniel Wolf. | } | Of August term, 1814. No. 240.
Action of debt.
This suit is brought to recover seven hundred and forty eight dollars & ninety six cents, for carpenter work done. |
|-----------------|---|---|---|

Agreeably to the act of assembly, regulating arbitrations, all matters in variance in this suit, between the parties, are referred to John McCallister, Jacob Smith and William Lewis, arbitrators appointed according to law, who are to meet at the house of Jacob Smith, innkeeper, in the towaship of Manor in said county, on Monday the third day of October next, at two o'clock in the afternoon of said day. And they or a majority of them (or such other persons as may be substituted, in pursuance of said act) are to make report of their determination into the Prothonotary's Office at Lancaster, within seven days after they shall have agreed upon the same. The arbitrators receiving fifteen days previous notice, of the time and place appointed for their meeting.

Attest.

JOHN PASSMORE, *Prot.*

Prothonotary's Office. Lancaster,
September 12, 1814.

We the subscribers met at Jacob Smith's on the 3d day of October, agreeably to the above order; and after hearing the proofs and allegations of the parties aforesaid, and being a majority of said referees, do find in favor of the plaintiffs the sum of seven hundred and four dollars and thirty six cents. Witness our hands.

JOHN MCCALLISTER, (L. S.)

JACOB SMITH, (L. S.)

Indorsement on the foregoing Rule of Reference.

Octr. 21st, 1814. I appeal from the within award of arbitrators.
 DANIEL WOLF.

Daniel Wolf being affirmed, says, that this appeal is not entered for the purpose of delay, but because he firmly believes injustice has been done.

DANIEL WOLF.

Affirmed and subscribed,
 Octr. 21st, 1814, before
 me, JOHN HOFF,

Daniel Wolf, tent in § 1400 } To the plaintiffs, cond. that if the
 Michael Olstatt, tent in 1400 } plaintiffs in the event of the suit,
 shall obtain a judgment for a sum
 equal to or greater, or a judgment as, or more favorable than the

report of the arbitrators, the said defdt. shall pay all the costs that may accrue in consequence of this appeal together with the sum awarded by the arbtres. with one dollar per day for each and every day that shall be lost by the plaintiffs in attending to this appeal; or in default thereof shall surrender the defdt. to the jail of Lancaster county, in discharge of this recognizance.

Cog. cor. me, Octr. 21st, 1814.

JOHN PASSMORE, Prot.

COPY OF THE BILL OF EXCEPTIONS.

Wilson and Ramsey, } In the Common Pleas of Lancaster county,
vs. } to Augt. term, 1814. No. 240.
Daniel Wolf.

Defendant moves in arrest of judgment,
for the following reasons, viz.

- 1st. That the statement does not contain the date of the assumption on which the action is founded.
- 2d. That the statement how much is due to pl'tfs.
- 3d. That the act of assembly does not recognize such an action as
"Debt on assumpsit."

AND FOR A NEW TRIAL, FOR,

That there was no proof of the assumption to pay the amount of the bill filed, and therefore the verdict was against evidence.

Slaymaker, } Atts. for
Porter, } defdt.

June 1816.

Lancaster County, ss.



I John Passmore. Prothonotary of the Court of Common Pleas for said county, certify that the foregoing is a correct copy of the record in the case there stated. In testimony whereof I have hereunto set my hand and the seal of said court at Lancaster, this eighth day of March, in the year of our Lord one thousand eight hundred and seventeen.

JOHN PASSMORE, Prot.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY.

August Term, 1817. No. 265.

Copy of the Precipe.

Daniel Wolf } Issue foreign attachment in case, returnable to
v } August term, 1817.
James Ramsey. } James Buchanan, att'y for pl'ff.
John Passmore, Esq. } June 25th, 1817.

(Copy of the attachment)

Lancaster county, ss.

{ L. S. } The Commonwealth of Pennsylvania to the Sheriff of Lancaster county, greeting: We command you, that you attach James Ramsey, by all and singular his goods and chattels, lands and tenements, in whose hands or possession soever the same shall be found, in your bailiwick, so that he be and appear before the Judges at Lancaster, at the county Court of Common Pleas, there to be held on the third Monday in August next, to answer Daniel Wolf of a plea of trespass on the case. And have you then there this writ.

Witness the honorable Walter Franklin, President of the said Court, at Lancaster, the twenty-third day of June, in the year of our Lord one thousand eight hundred and seventeen.

JOHN PASSMORE, Prot.

(Copy of the indorsements on the above.)

265) August Term, 1817.

Daniel Wolf }
 vs }
James Ramsey } Foreign attachment in case.

I hereby acknowledge the service of this writ, and that I have no money or effects of defendant's in my hands, possession or knowledge; the same having been paid over in part to Wilson and Martin, and the balance paid into Court, by virtue of an order of Court.

June 25th, 1817.

PATTON ROSS.

Buchanan.

By virtue of the within writ, I have attached all the money in the hands of Patton Ross, Esquire, which belongs to the within mentioned James Ramsey, and which he the said Patton Ross recovered from Daniel Wolf at the suit of Wilson and Ramsey, brought in the Common Pleas of Lancaster county, to August term, 1814—No. 240. And at the request of the plaintiff I have given notice to the said Patton Ross, that he will claim as the property of James Ramsey the whole of the money now in his hands, which he recovered in the said action, as the said plaintiff believes it all belongs to the said Ramsey, and that he can so make it appear.

So answers

GEORGE HAMBRIGHT, *Sheriff*.

Came to hand, June 25th, 1817, about a quarter past 3 o'clock.

PETER HAWMAN.

(Copy of the Entering Docket.)

August Term, 1817.

Daniel Wolf }
 vs }
265 James Ramsey. } Foreign attachment in case.
wt. paid June 28th, 1817. Is'd June 25th, 1817.

Buchanan.

(*Copy of the Appearance Docket.*)

August Term, 1817.

Buchanan.—Daniel Wolf } Foreign attachment in case.
265 rs. }
James Ramsey. } Attached all the money in the hands
Patton Ross, Esq. which belongs to
the said James Ramsey, and which he the said Patton Ross recovered from Daniel Wolf, at the suit of Wilson and Ramsey, brought in the Common Pleas of Lancaster county, to August term, 1814—No 40; and at the request of the plaintiff, gave notice to the said Patton Ross that he will claim as the property of James Ramsey, the whole of the money now in his hands, which he recovered in the said action, as he the said plaintiff believes it all belongs to the said Ramsey, and that he can so make it appear.

So answers

GEORGE HAMBRIGHT, *Sheriff*.

Lancaster county, ss.



I John Passmore, Prothonotary of the Court of Common Pleas for said county, certify that the foregoing is a true and correct copy of the record in the case of Daniel Wolf against James Ramsey, as it remains in my office. In testimony whereof, I have hereunto set my hand and the seal of said Court, at Lancaster, this seventh day of February, in the year of our Lord one thousand eight hundred and eighteen.

JOHN PASSMORE, *Prot.*

Copy of a petition presented to the Court of Common Pleas of Lancaster county, by John Wilson, April 28th, 1817.

The Honorable Walter Franklin, Esq. President of the several Courts of Common Pleas in the circuit consisting of the counties of York and Lancaster, &c. and Jacob Hibshman and Thomas Clarke, Esquires, Judges of this Court, &c.

The petition of John Wilson and John Martin, humbly sheweth:

That your petitioners, compelled by imperious necessity to apply once more to the honorable Court, in hopes of having justice done them. Your petitioners humbly conceive that their suit brought against Daniel Wolf, for which they obtained judgment the 10th day of June, 1816, for their money, after going through a regular process of law, is no more than a common action in Court, simple in its principles, involving no intricateness of law. Your petitioners also believe that they are kept out of their just right of the balance justly owing to them, which is \$350 54, together with the interest due thereon from the 25th September, 1816, to the 28th day of April, 1817, which is \$12 45; which being added to the said balance, makes the aggregate of principal and interest, \$362 99, by the trifling quibbles of Patton Ross, Esquire, who still retains in

his hands said balance and interest. Your petitioners likewise humbly conceive, that the ratio into which the money must be divided betwixt Wilson and Martin, attorney for James Ramsey, and which was made use of as an argument by Mr. Ross and others, is inconclusive, and only serves as an excuse for their delinquency; the money therefore ought to have been paid to Wilson and Martin, and let them divide it betwixt themselves as they may think proper. We also believe the honorable Court are well acquainted with all the circumstances of the business, from the beginning to this time.

Your petitioners therefore humbly request that the honorable Judges would be pleased to take the case into consideration, and to investigate the conduct of said Patton Ross, Esq. in the above mentioned case, and cause justice immediately to be done, by paying the money without further delay. And your petitioners as in duty bound, will pray, &c.

JOHN WILSON,
JOHN MARTIN.

(Copy of the Indorsement.)

April Term, 1817.

Petition of John Wilson and John Martin,

April 28th, 1817, presented.

See memorandum annexed.

Power of Attorney.

Know all men by these presents, that I John Martin, of Lampier Square, in the county of Lancaster, do make, constitute and appoint John Wilson, house-carpenter, of Little Britain, in the county aforesaid, my lawful attorney, for me and in my name to prosecute, recover and receive the amount of James Ramsey's money along with his own, which is now in the hands of Patton Ross, Esq. as per the Sheriff's receipt, the whole amount or balance of the money due me in behalf of said Ramsey, together with the said John Wilson's part, is \$350 54, together with what interest may have accrued upon it since. And also I do empower my said attorney to give acquittances for the same, as fully to all intents and purposes as I myself might do, if I were personally present. In witness whereof, I have hereto set my hand and seal this 2d day of June, A. D. 1817.

JOHN MARTIN. [L. s.]

Witness present.

Henry Kendig, sr.

Martin Carpenter.

Lancaster county, ss.

Before the subscriber, one of the justices of the peace in and for the county of Lancaster, personally appeared John Martin, of Lampier Square, in the county aforesaid, and acknowledged the above written power of attorney, to be his act and deed, and desired the same may be recorded as such according to law. In testimony whereof, I have hereto set my hand and seal, this 5th day of June, A. D. 1817.

MARTIN CARPENTER. [L. s.]

Copy of the Memorandum.)

Memorandum made by Wm. A. Rigg, April 23th, 1817.

The Judge present in Court, Walter Franklin, Esq. The petition of John Wilson and John Martin presented to the Court by John Wilson, and after reading the same, the Court asked Mr. Wilson whether he had the authority mentioned in the said petition, from John Martin? which was produced to the Court; and after an examination of it, the Court said that the power of attorney from John Ramsey to John Martin, does not authorise said Martin to empower said Wilson to receive the money due to said Ramsey from Daniel Wolf, and that the matter contained in the said petition is the same as in the former petition, on which they have decided, except the part mentioning the authority from John Martin.

Lancaster county, ss.



I John Passmore, Prothonotary of the Court of Common Pleas for said county, certify that the foregoing is a correct copy of a petition presented to said Court by John Wilson, on the 28th day of April, eighteen hundred and seventeen, and also of a memorandum annexed thereto.

In testimony whereof, I have hereunto set my hand and the seal of said Court, at Lancaster, this seventh day of February, in the year of our Lord one thousand eight hundred and eighteen.

JOHN PASSMORE, *Prot.*

In the Court of Common Pleas of Lancaster County of August term, 1817. No. 237.

COPY OF THE PETITION.

The honorable Walter Franklin, Esquire, president of the several Courts of Common Pleas in the circuit consisting of the counties of York and Lancaster, &c. and Jacob Hibshman and Thomas Clarke, Esquires, Judges of the said court, &c.

The petition of John Wilson, humbly sheweth:

That your petitioner, impelled by irresistible necessity, humbly conceives it to be his duty to request the attention and assistance of the honorable Court once more, in order to draw his money out of the fangs of Patton Ross, Esq. Your petitioner humbly conceives that his case is remarkably singular, that he must be deprived of the price of his hard labor and industry by the quibbles of Patton Ross, Esq. Your petitioner always believed that the Courts were instituted purely to suppress injustice, and cause justice to be done speedily and without delay.

The 9th section of the act entitled "An act to regulate arbitrations and proceedings in courts of justice," passed the 21st March, 1806, declares "that in all civil suits or proceedings in any Court within this Commonwealth, every suitor and party concerned shall have a right to be heard by himself and counsel or either of them; and when it shall be made appear to the satisfaction of the Court

that any attorney of such court has retained money belonging to his client, after demand made by the client for the payment thereof, it shall be the duty of the Court to prevent such attorney from prosecuting longer in said Court and to have his name stricken off the record of attorneys.

Also the 3d section of the act entitled "A further supplement to the act entitled An act to regulate arbitrations and proceedings in courts of justice," passed 28th March, 1808, declares "that the several Courts of this Commonwealth shall have power to enforce by attachment the payment of money had and received by any Sheriff, Coroner or Attorney in his official capacity, and the delivery of all papers belonging to their clients."

Your petitioner also humbly conceives that the protection of his property is included in said act, equal with the citizens of the commonwealth at large, and that he is entitled to have justice done him.

Your petitioner informs the honorable Court that he has obtained a power from John Martin, attorney for James Ramsey, to receive said Ramsey's part of the money from Patton Ross, Esq. along with his own, and to give proper receipts for the same. The balance in the hand of Patton Ross, Esq. retained, is \$350 54. Your petitioner feels the pressure of the hard times severely; he has a small family to support, who cannot help themselves: money not in circulation, grain of every species high in price, and not to be obtained, together with the detaining of his money, are evils, when put together, are almost insurmountable; of which the honorable Court must have correct ideas.

Your petitioner therefore humbly requests that the honorable Judges would be pleased to take the case into their consideration, and to investigate the conduct of the said Patton Ross, Esq. in the present case, and to compel justice immediately to be done, without further delay. And your petitioner as in duty bound will pray, &c.

JOHN WILSON.

Little Britain, Lancaster county, 2d June, 1817.

Copy of the order of the Court, annexed to the Petition.

Court direct that so much of the money recovered by Mr. Ross in the case of Wilson and Ramsey against Wolf, as remain in his hands be paid into Court, and that an issue be formed for the purpose of ascertaining by the verdict of a jury or the award of arbitrators, as soon as may be, what amount or proportion thereof ought to be paid to John Wilson, one of the plaintiffs in the said case; and that in this issue the said John Wilson be made plaintiff and Patton Ross, Esquire, defendant.

Copy of the indorsement on the Petition.

237). August Term, 1817.
 John Wilson, } Petition
 vs. } of
 P. Ross. } Jno. Wilson.
 Filed June 18th, 1817.

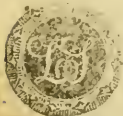
Copy of the Docket Entry,
AUGUST TERM, 1817.

| | | |
|---|---|---|
| John Wilson
237. vs.
Patton Ross, Esq. | } | Action of debt for money had and received
for plaintiff's use, not exceeding \$ 500. |
| Plaintiff's petition and
the order of Court to
form this issue filed. | | Special matters in evidence, plaintiff
replies, non solvit, issue and rule for
trial. |

This issue entered June 18. 1817, by order of Court. for the purpose of ascertaining by the verdict of a jury or the award of arbitrators as soon as may be, whether the whole or what amount or proportion of the money recovered by defendant as plaintiff's attorney in the case of Wilson and Ramsey against Daniel Wolf brought in this Court to August term, 1814. No 210, which remain in the hands of the said P. Ross, ought to be paid to John Wilson, the present plaintiff, and one of the plaintiffs in said suit against D. Wolf. The Court direct said Patton Ross, Esq. to pay into Court the balance in his hands in said suit of Wilson and Ramsey against Wolf.

June 20th. 1817. Patton Ross, Esq. paid to John Passmore, prot. two hundred and ninety dollars and fifty-four cents. by a check on the Farmer's bank of Lancaster, which sum will remain in said bank, to await the final decision of this suit. The check is deposited in the Farmers' Bank, and the money is to be drawn by the Prothonotary for the time being, when this suit is ended.

Lancaster county, ss.



I John Passmore, Prothonotary of the Court of Common Pleas for said county, certify that the foregoing is a true and correct copy of the record in the case above stated. In testimony whereof I have hereunto set my hand and the seal of said Court, at Lancaster, this seventh day of February, in the year of our Lord one thousand eight hundred and eighteen.

JOHN PASSMORE, *Prot.*

Philadelphia, Feb. 5th, 1818.

SIR,

Your favor of the 2d instant, has been forwarded to me in this city. On the subject of the complaint of John Wilson, I beg leave to refer the committee to the communications made to the committee appointed at the last session of the legislature—and to such information as Mr. Buchanan, who is now at Harrisburg, may have it in his power to give them. On the second application of Mr. Wilson, we directed the money to be paid into Court, and put this business in such a train as to facilitate his obtaining the money, if, on an investigation, it appeared that he was entitled to it.

I am Sir, very respectfully,
Your obt. humble servt.

WALTER FRANKLIN

REES HILL, Esquire, Harrisburg.





